

MHN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 08 CR 596
)	Hon. Susan E. Cox
MANUEL CAZARES PRECIADO)	

DETENTION ORDER

On the government's motion to detain the defendant pursuant to 18 U.S.C. § 3142, the Court hereby finds and concludes:

1. The complaint charges that defendant, "an alien who had been arrested and then deported and removed from the United States on or about November 21, 2003, which deportation and removal were subsequent to a conviction for an aggravated felony as defined by 8 U.S.C. § 1101(a)(43), was found in the United States without having previously obtained the express consent of the Attorney General or Secretary of Homeland Security to reapply for admission into the United States; in violation of Title 8, United States Code, Sections 1326(a) & 1326(b)(2)."

2. After consideration of the Pre-Trial Services Report, a hearing by proffer and argument, and the statutory factors enumerated in 18 U.S.C. § 3142(g), the Court finds that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. The Court bases its finding on the following factors:

(a) The defendant waived a preliminary hearing, and the Court found probable cause to hold the defendant to answer in the district court to the charge.

(b) The potential penalties faced by the defendant on the charge are significant, because he has a prior conviction for an aggravated felony.

(c) Defendant has family ties to Mexico; he is not a United States citizen; the law forbids him to live or work in the United States; he was previously deported; and he possesses a valid Mexican passport.

(d) Based on the above factors, the Court finds that defendant has a strong motive to flee the United States to Mexico.

IT IS HEREBY ORDERED, pursuant to 18 U.S.C. § 3142(e), that defendant Manuel Cazares Preciado remain in custody until the resolution of this case.

IT IS FURTHER ORDERED that defendant shall remain confined in a corrections facility determined by the United States Marshal Service pending the resolution of this case, but separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

IT IS FURTHER ORDERED that defendant shall be afforded reasonable opportunity for private consultation with his counsel.

IT IS FURTHER ORDERED that upon order of the United States District Court or on request of an attorney of the government, the person in charge of the corrections facility in which defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

ENTER:



SUSAN E. COX
United States Magistrate Judge

Date: 8-1-08